

# **STATE PERSONNEL BOARD CALENDAR**



**APRIL 19, 2005**

**SACRAMENTO, CALIFORNIA**

**State of California**

**Memorandum**

**DATE:** April 8, 2005

**TO:** ALL INTERESTED PARTIES

**FROM:** STATE PERSONNEL BOARD - Appeals Division

**SUBJECT:** Notice and Agenda for the **April 19, 2005**, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on April 19, 2005, at the offices of the State Personnel Board, located at 801 Capitol Mall, Room 150, Sacramento, California, the State Personnel Board will hold its regularly scheduled meeting. Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 W. 4<sup>th</sup> Street, Los Angeles, California.

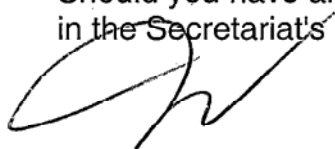
The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the April 19, 2005, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 22, Sacramento, California 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

**<http://www.spb.ca.gov/calendar.htm>**

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.



Wayne D. Gross  
Secretariat's Office

Attachment



## **CALIFORNIA STATE PERSONNEL BOARD MEETING<sup>1</sup>**

801 Capitol Mall  
Sacramento, California

### Public Session Location – 801 Capitol Mall

Sacramento, California, Room 150

Teleconference – 320 West 4<sup>th</sup> Street<sup>2</sup>

Los Angeles, California, Suite 620

### Closed Session Location – 801 Capitol Mall

Sacramento, California, Room 141

Teleconference – 320 West 4<sup>th</sup> Street

Los Angeles, California Suite 620

## **MID-MONTH BOARD MEETING – APRIL 19, 2005**

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<sup>1</sup> Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

<sup>2</sup>Pursuant to Government Code section 11123, a teleconference location may be conducted for this meeting at 320 West 4<sup>th</sup> Street, Los Angeles, California.

**MID-MONTH BOARD MEETING AGENDA<sup>3</sup>**

**APRIL 19, 2005**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**(9:00 a.m. – 9:30 a.m.)**

- 1. ROLL CALL**
- 2. REPORT OF THE EXECUTIVE OFFICER - Floyd D. Shimomura**
- 3. REPORT ON THE PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)**
- 4. REPORT OF THE CHIEF COUNSEL - Elise Rose**
- 5. NEW BUSINESS**
- 6. REPORT ON LEGISLATION - Sherry Hicks**

The Board may be asked to adopt a position with respect to the bills listed on the legislation memorandum attached hereto.

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**(9:30 a.m. - 10:30 a.m.)**

- 7. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

- 8. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code sections 11126(e)(1) and 18653.]

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<sup>3</sup> The Agenda for the Board can be obtained at the following internet address:  
<http://www.spb.ca.gov/calendar.htm>

State Personnel Board v. Department of Personnel Administration,  
California Supreme Court Case No. S119498.

State Personnel Board v. California State Employees Association,  
California Supreme Court Case No. S122058.

Connerly v. State Personnel Board, California Supreme Court  
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,  
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

State Compensation Ins. Fund v. State Personnel Board/CSEA,  
Sacramento Superior Court No. 04CS00049.

**9. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the legislature.  
[Government Code section 18653.]

**10. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor. [Government Code section 18653.]

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**(10:30 a.m. – onwards)**

**11. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF  
MAY 3-4, 2005, IN SACRAMENTO, CALIFORNIA**

**12. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES**

**13. EVIDENTIARY CASES - (See Case Listing on pages 8 - 13)**

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

**14. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE  
SECTION 18671.1 EXTENSION - (See Agenda Page 19)**

**15. NON-EVIDENTIARY CASES - (See Case Listing on pages 13-16)**

**16. NON-HEARING CALENDAR**

Classification proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

**NONE**

**17. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

**NONE**

**18. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and it is approved by the State Personnel Board, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

**A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**DIVISION CHIEF, EMPLOYER SERVICES DIVISION**

The California Public Employees Retirement System (CalPERS) proposes to allocate the above position to the CEA category. The Division Chief, Employer Services Division is responsible for oversight to all employer-related policies and procedures to ensure compliance with CalPERS and State administrative regulations.

**GENERAL COUNSEL**

The Department of Corporations proposes to allocate the above position to the CEA category. The General Counsel will serve as the principle legal counsel to the California Corporations Commissioner, and will render broad management advice and legal services that significantly impacts a wide spectrum of departmental programs and policies.

**CHIEF COUNSEL**

The Department of Industrial Relations proposes to allocate the above position to the CEA category. The Chief Counsel manages the Office of the Director, Legal Unit (ODL) and serves as a key member of the Director's cabinet, providing counsel and policy advice to the Director on a broad range of legal and non-legal issues facing the Department.

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS**

**CHIEF, CONSOLIDATION ADMINISTRATOR**

**CHIEF, CONSOLIDATION TECHNOLOGIST**

The Stephen P. Teale Data Center's request to allocate the above positions (originally proposed to be titled Consolidation Management Program, Technical Project Manager and Program Manager, Organizational and Transition Management) to the CEA category has been approved effective March 18, 2005, for a period of twenty-four months.

**PROGRAM MANAGER, LEGAL, LEGISLATION AND CONTROL  
AGENCY STRATEGIES**

**PROGRAM MANAGER, ENTERPRISE SERVICES MANAGEMENT  
PROGRAM**

The Stephen P. Teale Data Center has withdrawn their request to establish the above positions to the CEA category effective March 18, 2005.

**CHIEF ASSISTANT, GENERAL MANAGER**

The Prison Industry Authority's request to allocate the above position to the CEA category has been approved effective March 18, 2005.

**DEPUTY DIRECTOR, OPERATIONS**

The Department of Motor Vehicles has withdrawn their request to establish the above position to the CEA category effective March 9, 2005.

**EXECUTIVE CONSOLIDATION OFFICER, CONSOLIDATION  
MANAGEMENT PROGRAM, CONSOLIDATION MANAGEMENT OFFICE**

The Stephen P. Teale Data Center's request to allocate the above position (originally proposed to be titled Program Manager, Consolidation Management Office) to the CEA category has been approved effective February 24, 2005.

**19. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**20. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**21. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**22. BOARD ACTIONS - (See Agenda - Page 17)**

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those cases are listed separately by category on this agenda under Evidentiary Cases.

**A D J O U R N M E N T**



### 13. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

#### A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting. Cases that are before the Board for vote will be provided under separate cover.

**NONE**

#### B. CASES PENDING

##### ORAL ARGUMENTS

These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

**NONE**

#### C. CHIEF COUNSEL RESOLUTIONS

**NONE**

##### COURT REMANDS

This case has been remanded to the Board by the court for further Board action.

##### (1) **FRANK OLIVAS, CASE NO. 02-3390**

Appeal from demotion

**Classification:** Correctional Sergeant

**Department:** Department of Corrections

##### STIPULATIONS

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

**NONE**

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

**PROPOSED DECISIONS**

These are ALJ proposed decisions submitted to the Board for the first time.

- (1) DOUGLAS E. CAIN, CASE NO. 04-2018**  
Appeal from official reprimand  
**Classification:** Correctional Officer  
**Department:** Department of Corrections
- (2) DONALD H. CATHEY, CASE NO. 04-2153**  
Appeal from one-step reduction in salary for six months  
**Classification:** Correctional Officer  
**Department:** Department of Corrections
- (3) JON CHASE, CASE NO. 04-0392**  
Appeal from 30 working days suspension  
**Classification:** Associate Management Auditor  
**Department:** Employment Development Department
- (4) RON CROTHER, CASE NO. 04-3028**  
Appeal from three workday suspension  
**Classification:** Correctional Officer  
**Department:** Department of Corrections
- (5) NILOUFAR DIDEHVAR, CASE NO. 04-3047**  
Appeal from dismissal  
**Classification:** Transportation Engineer  
**Department:** Department of Transportation
- (6) KONSTANTINOS DIMOYANNIS, CASE NO. 02-3813**  
Appeal from dismissal  
**Classification:** Research Analyst I (Economics)  
**Department:** Department of Industrial Relations
- (7) MELANIE GRAY, CASE NO. 04-2140**  
Appeal from ten percent reduction in salary for twelve months  
**Classification:** Correctional Officer  
**Department:** Department of Corrections

- (8) **STEVE JACOB, CASE NO. 03-3457 and 03-3458**  
Appeal from 60 days suspension and demotion  
**Classification:** Chief, Plant Operations II  
**Department:** Department of Veterans Affairs
- (9) **JUDITH A. JONES, CASE NO. 04-1925**  
Appeal from dismissal  
**Classification:** Public Safety Dispatcher II  
**Department:** Department of California Highway Patrol
- (10) **EDWARD QUIGLEY, CASE NO. 04-1380E**  
Appeal of discrimination  
**Classification:** Chaplain  
**Department:** Department of Corrections
- (11) **MARK SEWELL, CASE NO. 04-0865**  
Appeal from five percent reduction in salary for six months  
**Classification:** Correctional Officer  
**Department:** Department of Corrections
- (12) **MARK SEWELL, CASE NO. 04-2579**  
Appeal from five percent reduction in salary for twelve months  
**Classification:** Correctional Officer  
**Department:** Department of Corrections
- (13) **WILLIAM WILEY, CASE NO. 04-1469**  
Appeal from non-punitive termination  
**Classification:** Heavy Equipment Mechanic  
**Department:** Department of Transportation

**Proposed Decisions Taken Under Submission At Prior Meeting**

These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

**NONE**

**PROPOSED DECISIONS AFTER BOARD REMAND**

**NONE**

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

**NONE**

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

- (1) ROBERT BARR, CASE NO. 04-0568EP**  
Appeal from denial of reasonable accommodation and discrimination complaint  
**Classification:** Program Representative I  
**Department:** Department of Consumer Affairs
- (2) FRANK GARCIA, CASE NO. 04-0092P**  
Appeal from dismissal  
**Classification:** Chief Engineer I  
**Department:** Department of Corrections
- (3) ANTHONY GUBLER, CASE NO. 03-2774P**  
Appeal from dismissal  
**Classification:** Officer, CHP  
**Department:** Department of California Highway Patrol
- (4) CHARLES HAVRON, CASE NO. 04-1674P**  
Appeal from demotion  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections

**WHISTLEBLOWER NOTICE OF FINDINGS**

The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

**NONE**

**F. PENDING BOARD REVIEW**

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

- (1) **JACOB ARIS, CASE NO. 04-1378E AND  
NICHOLAS RUTHART, CASE NO. 04-1409E**  
Appeal from discrimination complaint  
**Classification:** Employment Program Representatives  
**Department:** Employment Development Department

Proposed decision rejected January 25, 2005  
Transcript prepared  
Pending stipulation

- (2) **PATRICK BARBER, CASE NO. 04-0279**  
Appeal from dismissal  
**Classification:** Youth Correctional Counselor  
**Department:** Department of the Youth Authority

Proposed decision adopted November 3, 2004  
Modifying dismissal to 45-calendar day suspension  
Petition for Rehearing granted February 8-9, 2005  
Transcripts prepared  
Pending oral argument June 6-7, 2005, Sacramento

- (3) **CHAD LOOK, CASE NO. 04-1789**  
Appeal from 60-work-days suspension  
**Classification:** Correctional Officer  
Wasco State Prison – Wasco  
**Department:** Department of Corrections

Proposed decision rejected January 11, 2005  
Transcript prepared  
Pending oral argument June 7-8, 2005, Sacramento

- (4) **JAMES MCAULEY, CASE NO. 04-1856**  
Appeal from dismissal  
**Classification:** Associate Transportation Engineer,  
Caltrans (Registered)  
**Department:** Department of Transportation

Proposed decision rejected March 8-9, 2005  
Transcript received  
Pending oral argument June 7-8, 2005, Sacramento

(5) **KIM RITTENHOUSE, CASE NOS. 03-3541A & 03-3542E**

Appeal from denial of reasonable accommodation  
and from constructive medical termination

**Classification:** Office Technician (General)

**Department:** Department of Fish and Game

Proposed decision rejected May 18, 2004

Pending transcript

(6) **DARYL STONE, CASE NO. 04-0279**

Appeal from dismissal

**Classification:** Peace Officer I

**Department:** Department of Developmental Services

Proposed decision rejected on February 8, 2005

Transcripts prepared

Pending oral argument May 3-4, 2005, Sacramento

(7) **ANNA WONG, CASE NOS. 04-1490P, 04-1490PA, 04-1490PD**

Appeal from Whistleblower Complaint

**Classification:** Public Health Microbiologist II

**Department:** Department of Health Services

Petitions for rehearing filed by parties on January 14 & 19, 2005

Petitions for rehearing granted March 22, 2005

Case set for hearing on April 25, 2005 before an Administrative Law

**14. NON-EVIDENTIARY CASES**

**A. WITHHOLD APPEALS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**WITHHOLD FROM CERTIFICATION**  
**CASES HEARD BY A STAFF HEARING OFFICER**

**NONE**

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

- (1) **AMY ALONSO, CASE NO. 04-0695**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; furnished inaccurate information, negative employment record
- (2) **YESIKA GONZALEZ, CASE NO. 04-0725**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** The appellant is not suitable for employment as peace officer due to negative law enforcement contacts.
- (3) **JOSEPH MORALES, CASE NO. 04-0732**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; furnished inaccurate information and omitted pertinent information during the selection process.
- (4) **JUAN OCHOA, CASE NO. 04-1218**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information, had negative law enforcement contacts and was involved in illegal drug activity.
- (5) **RICHARD PRINGLE, CASE NO. 04-0499**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; negative employment history.
- (6) **ADAM ROSALES, CASE NO. 04-0926**  
**Classification:** Motor Vehicle Field Representative  
**Department:** Motor Vehicles  
**Issue:** Suitability; arrest/conviction record.
- (7) **WALTER SMALL, JR., CASE NO. 04-0369**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; furnishing inaccurate information and omitting pertinent information during the selection process.

**(8) LIEU TRAN, CASE NO. 04-0726**

**Classification:** Casework Specialist I

**Department:** California Youth Authority

**Issue:** Suitability; furnished inaccurate information and omitted information during the selection process, negative law enforcement contacts, negative driving record, and failure to comply with legal obligations.

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

**NONE**

**C. EXAMINATION APPEALS  
MINIMUM QUALIFICATIONS  
MERIT ISSUE COMPLAINTS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**EXAMINATION APPEALS**

**NONE**

**MINIMUM QUALIFICATIONS**

**NONE**

**MERIT ISSUE COMPLAINTS**

**NONE**

**D. RULE 211 APPEALS  
RULE 212 OUT OF CLASS APPEALS  
VOIDED APPOINTMENT APPEALS**

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

**NONE**



**E. REQUEST TO FILE CHARGES CASES**

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

**NONE**

**PETITIONS FOR REHEARING CASES**

**NONE**

**F. PSYCHOLOGICAL SCREENING CASES**

Cases will be reviewed by Appeals Division staff, but no hearing was held. It is anticipated that the Board will act on these proposals without a hearing.

**NONE**

**SUBMITTED**

1. **TEACHER STATE HOSPITAL (SEVERELY), ETC.**  
Departments of Mental Health and Developmental Services.  
(Hearing held December 3, 2002.)
2. **VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)**  
Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)
3. **TELEVISION SPECIALIST (SAFETY)**  
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)
4. **HEARING - PSC #04-03**  
Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)
5. **HEARING**  
Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)
6. **HEARING - PSC #04-06**  
Appeal of the California Regional Water Quality Control Board (RWQCB) from the Executive Officer's October 27, 2004 Disapproval of a Contract with the City of Glendale (Glendale) Reviewed at the Request of the California Association of Professional Scientists (CAPS) (Hearing held April 6, 2005.)

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

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(Cal. 4/19/05)

TO: Members  
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

The status of major legislation being followed for impact on Board programs and the general administration of the State Civil Service Merit System is detailed in the attached report.

Any legislative action that takes place after the printing of this report, which requires discussion with the Board, will be covered during the Board meeting.

Please contact me directly should you have any questions or comments regarding this report. I can be reached at (916) 653-0453.

  
Sherry Hicks  
Director of Legislation

Attachment

**STATE PERSONNEL BOARD  
LEGISLATIVE TRACKING  
REPORT  
2005-06 SESSION**

**Status as of  
April 4, 2005**



**ASSEMBLY/SENATE BILLS**  
(Tracking)

BILL/ AUTHOR	BOARD POSITION	SUBJECT	STATUS OF BILL
<b>AB 38 (Tran)</b>	<b>OPPOSE</b>	AB 38 proposes suspending the salaries of specific state board and commission members for the fiscal years 2005 through 2009. The State Personnel Board is one of those boards that would not receive salaries for those fiscal years.	Assembly Business and Professions Committee
<b>AB 53 (Negrete McLeod)</b>		This bill would declare the Legislature's intent to build upon efforts to, eliminate governmental waste and inefficiency, consolidate 5 separate state agencies into a single entity with specified responsibilities, create an Office of Management and Budget with responsibility for the state's fiscal affairs, personnel management, and procurement systems, and consolidate the Teale Data Center and the Health and Human Services Data Center.	Not assigned to Committee
<b>AB 94 (Haynes)</b>	<b>NEUTRAL</b>	Among other things, this bill would require various state agencies to prepare and provide a report to the Senate Committee on Rules, the Assembly Committee on Rules, and to each member of the Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget on the financial activities of the agency, board, commission, department, or office for the 2000-01, 2001-02, 2002-03, 2003-04 and 2004-05 fiscal years no later than January 15, 2006, and for each subsequent fiscal year by January 15 of the following year.	Assembly Business and Professions Committee

<b>AB 124 (Dymally)</b>	<b>SUPPORT</b>	This bill would repeal requirements to annually establish employment goals and timetables based on race or gender that were invalidated by the California Court of Appeal in <i>Connerly v. State Personnel Board</i> , and re-title Chapter 12 of Part 2, Division 5, Title 2 of the Government Code from "Affirmative Action Program" to "State Equal Employment Opportunity Program". In addition, it would strengthen equal employment opportunity requirements.	From Assembly PERSS Committee to Appropriations (SPB Sponsored)
<b>AB 194 (Dymally)</b>		The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency be open and public and all persons be permitted to attend. This bill would remove the requirement that the legislative body be allowed to cure or correct an alleged violation prior to commencement of a legal action and would remove provisions that preclude specified actions from being determined to be null and void.	Assembly Committee on Local Government
<b>AB 195 (Dymally)</b>		This bill would expand the remedies available to individuals who file discrimination complaints with the State Personnel Board by authorizing the State Personnel Board to award reasonable attorney's fees and costs, including expert witness fees.	From Assembly Judiciary Committee to Appropriations
<b>AB 277 (Mountjoy)</b>	<b>SUPPORT</b>	This bill also would authorize the Board of Administration of the Public Employees' Retirement System to hold closed sessions when considering matters relating to the development of rates and competitive strategy for long-term care insurance plans.	Assembly PERSS Committee AND Government Organization Committee
<b>AB 297 (Yee)</b>	<b>SUPPORT</b>	This bill would specify that a current patient of a facility operated by the State Department of Mental Health may not file these charges against a state employee.	Assembly PERSS Committee (SPB Sponsored)



<b>AB 219 (Nakanishi)</b>		This bill would require all state departments, commissions, or other agencies to submit an electronic copy of each publication issued to the State Library. It would require the State Library to create and maintain a Web site that includes a monthly or quarterly list of each state publication issued during the immediately preceding month or quarter and that provides access to an electronic copy of each publication. It would provide that if a copy of a state publication is available on the State Library Web site, it shall be deemed distributed in compliance with specified redistribution requirements.	From Assembly Business and Professions Committee to Appropriations
<b>AB 271 (BLAKESLEE)</b>		This bill would require that any person appointed to a scientist class in state service possess a four-year degree in a scientific discipline from an accredited university.	Assembly Appropriations Committee
<b>AB 529 (Goldberg)</b>		This bill would authorize an employee who alleges that the trustees have not complied with this requirement with respect to his or her situation to request a hearing by the State Personnel Board. The bill would authorize the State Personnel Board to render a decision to determine whether the trustees have complied with the pertinent requirements in that instance. This bill contains other related provisions and other existing laws.	Assembly Higher Education Committee
<b>AB 708 (Karnette)</b>		This bill would require the California State University to employ an independent investigator on all complaints. This bill contains other existing laws.	Assembly PERSS Committee
<b>AB 775 (Yee)</b>		This bill would prohibit any state or local governmental agency, or any public or private agency, organization, entity, or program that receives state funding, from using any child, or permitting any child to be used, as an interpreter, as defined, in any hospital, clinic, or physician office in the context of diagnosis and treatment, except as specified. The bill would require each such agency, organization, entity, or program that receives state funding to have in place, and available for inspection, an established procedure for providing competent interpretation services that does not involve the use of children, as defined, in this manner. This bill contains other related provisions and other existing laws.	Assembly Business and Professions Committee

<b>AB 836 (Huff)</b>		This bill would require that these budgets utilize a zero-based budget method, as defined.	Assembly Budget Committee
<b>AB 1066 (Horton, Jerome)</b>		This bill would amend existing law to provide that a state agency: (1) may not pay a contractor under a personal services contract until the State Personnel Board (SPB) had first approved that contract; (2) may not seek to enter into a contract with a contractor if SPB had disapproved a prior contract with that same contractor for the same services within the preceding 12 months; and (3) must give 10 days prior notice to Bargaining Unit 12 of any contract the agency intends to enter into that may affect that bargaining unit.	Assembly PERSS Committee
<b>SB 165 (Speier)</b>		This bill would create the Office of the Special Counsel (OSC) as a separate branch of the State Personnel Board (Board), to protect state employees and applicants for state employment who have been retaliated against as a result of their having made protected disclosures under the Whistleblower Protection Act (Government Code section 8547 <i>et seq.</i> ).	From Senate Committee on Government Modernization, Efficiency, and Accountability to Judiciary Committee
<b>SB 1083 (Ackerman)</b>		This bill would provide that the California Medical Assistance Commission shall be reimbursed at the annual salary of members of the State Personnel Board.	Senate Committee on Health
<b>SB 1095 (Chesbro)</b>		This bill would authorize the Director of the California Conservation Corps to make limited-term (LT) appointments, beyond the current 2 years, to up to 4 years without SPB approval.	Senate Committee on Government Modernization, Efficiency, and Accountability